



Reprinted  
February 5, 2002

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## HOUSE BILL No. 1230

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DIGEST OF HB 1230 (Updated February 4, 2002 6:33 PM - DI 44)

**Citations Affected:** IC 36-4.

**Synopsis:** Annexation. Adds the town of Brownsburg to the municipalities that may exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification. Requires a municipality to pay all costs, including attorney's fees, that are incurred by a landowner as a result of the municipality's unsuccessful attempt to annex the landowner's property. Updates population parameters to reflect changes in the 2000 decennial census.

**Effective:** July 1, 2002.

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### Whetstone, Stevenson

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January 10, 2002, read first time and referred to Committee on Local Government.  
January 30, 2002, reported — Do Pass.  
February 4, 2002, read second time, amended, call withdrawn. Reread second time, ordered engrossed.

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HB 1230—LS 6586/DI 87+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1230

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.1. (a) This section applies to the following:

(1) A municipality having a population of:

(A) more than ~~ten thousand (10,000)~~ but less than fifteen thousand (15,000); or

(B) more than ~~four thousand (4,000)~~ but less than four thousand two hundred fifty (4,250); **five thousand (5,000) but less than six thousand three hundred (6,300); or**

(C) **more than ten thousand (10,000) but less than fifteen thousand (15,000);**

located in a county having a population of more than ~~seventy-five thousand (75,000)~~ but less than ~~seventy-eight thousand (78,000)~~ **one hundred thousand (100,000) but less than one hundred five thousand (105,000).**

(2) A municipality having a population of more than ~~thirty-three thousand (33,000)~~ but less than ~~thirty-three thousand eight~~



~~hundred fifty (33,850)~~ **thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)** located in a county having a population of more than ~~one hundred seven thousand (107,000)~~ **but less than one hundred eight thousand (108,000): one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(3) A municipality that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) A town having a population of more than ~~five thousand (5,000) but less than six thousand (6,000)~~ **nine thousand (9,000) but less than thirty thousand (30,000)** located in a county having a population of more than ~~one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950):~~ **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(b) Except as provided in subsection (c), the legislative body of a municipality to which this section applies may, by ordinance, annex territory that:

(1) is contiguous to the municipality;

(2) in the case of a municipality described in subsection (a)(1), has its entire area within the township within which the municipality is primarily located; and

(3) is owned by a property owner who consents to the annexation.

(c) Subsection (b)(2) does not apply to a municipality having a population of:

(1) ~~more than six thousand (6,000) but less than six thousand five hundred (6,500)~~ **five thousand (5,000) but less than eight thousand (8,000); or**

(2) ~~more than eight thousand seven hundred (8,700) but less than eight thousand nine hundred (8,900)~~ **nine thousand (9,000) but less than twelve thousand five hundred (12,500)** in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that is classified for zoning purposes as agriculture and remains exempt from the property tax liability while the property's zoning classification remains agriculture.

(e) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner

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1 of the annexed territory.

2 SECTION 2. IC 36-4-3-15.1 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2002]: **Sec. 15.1. (a) This section applies to an annexation that is**  
5 **initiated by a municipality under this chapter and either:**

6 (1) the later of the:

7 (A) judgment of the circuit or superior court; or

8 (B) final disposition of all appeals to a higher court;  
9 is adverse to annexation; or

10 (2) the municipality abandons the annexation.

11 (b) The circuit or superior court having jurisdiction over the  
12 annexation shall order the municipality that initiated the  
13 annexation to reimburse the owner or owners of the property  
14 within the area proposed to be annexed an amount sufficient to  
15 reimburse the owner or owners of property for reasonable:

16 (1) costs;

17 (2) expenses;

18 (3) attorney's fees;

19 (4) appraisal fees; and

20 (5) engineering fees;

21 actually incurred because of the annexation proceedings.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 12, nays 2.

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HB 1230—LS 6586/DI 87+



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15.1. (a) This section applies to an annexation that is initiated by a municipality under this chapter and either:**

**(1) the later of the:**

**(A) judgment of the circuit or superior court; or**

**(B) final disposition of all appeals to a higher court;**

**is adverse to annexation; or**

**(2) the municipality abandons the annexation.**

**(b) The circuit or superior court having jurisdiction over the annexation shall order the municipality that initiated the annexation to reimburse the owner or owners of the property within the area proposed to be annexed an amount sufficient to reimburse the owner or owners of property for reasonable:**

**(1) costs;**

**(2) expenses;**

**(3) attorney's fees;**

**(4) appraisal fees; and**

**(5) engineering fees;**

**actually incurred because of the annexation proceedings."**

(Reference is to HB 1230 as printed January 31, 2002.)

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